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MONTANA LEGISLATIVE HISTORY

Chapter 11 19 81

Bill H 253 S _____ Original bill & history ____C

H. Committee on Highways & Transportation		S. Committee on Highways & Transportation	
Hearing Date(s) Jan 22	✓ C	Hearing Date(s) Feb 5	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Jan 22	✓ C	Feb 5	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HB 253—KROPP—TO ALLOW THE OPERATORS OF POLICE AND AUTHORIZED EMERG
VEHICLES DISCRETION IN THE USE OF AUDIBLE OR VISUAL SIGNALS....
INTRODUCED: 1/15
REFERRED TO COMMITTEE ON HIGHWAYS: 1/15
HEARING: 1/22
REPORT: DO PASS, 1/22
2ND READING: 1/22 YEAS: 93; NAYS: 1
3RD READING: 1/28 YEAS: 95; NAYS: 2

TRANSMITTED TO SENATE: 1/28
REFERRED TO COMMITTEE ON HIGHWAYS AND TRANSPORTATION: 1/29
HEARING: 2/5
REPORT: 2/6, BE CONCURRED IN
2ND READING: 2/9, DO PASS
3RD READING: 2/11, YEAS: 48; NAYS: 1

RETURNED TO HOUSE: 2/11
TRANSMITTED TO GOVERNOR: 2/16
ACTION: SIGNED, 2/18
CHAPTER 11

HB 254—KROPP—TO CLARIFY THE ACTIONS TO BE TAKEN TO REMOVE
UNATTENDED VEHICLE FROM A ROADWAY.
INTRODUCED: 1/15
REFERRED TO COMMITTEE ON HIGHWAYS: 1/15
HEARING: 1/22
REPORT: DO PASS, 1/22
2ND READING: 1/27 YEAS: 95; NAYS: 1
3RD READING: 1/28 YEAS: 94; NAYS: 1

TRANSMITTED TO SENATE: 1/28
REFERRED TO COMMITTEE ON JUDICIARY: 1/29
HEARING: 3/4
REPORT: 3/4, BE CONCURRED IN
2ND READING: 3/6, BE CONCURRED IN
3RD READING: 3/9, YEAS: 40; NAYS: 4

RETURNED TO HOUSE: 3/9
TRANSMITTED TO GOVERNOR: 3/14
ACTION: SIGNED, 3/17
CHAPTER 71

HB 255—KROPP—TO PROVIDE FOR AN INCREASED TURN SIGNALING DI
OUTSIDE BUSINESS, RESIDENTIAL, OR URBAN DISTRICTS.
INTRODUCED: 1/15
REFERRED TO COMMITTEE ON HIGHWAYS: 1/15
HEARING: 1/22
REPORT: DO PASS AS AMENDED, 1/22
2ND READING: 1/28 YEAS: 93; NAYS: 0
3RD READING: 1/30 YEAS: 93; NAYS: 0

TRANSMITTED TO SENATE: 1/30
REFERRED TO COMMITTEE ON HIGHWAYS AND TRANSPORTATION: 1/30
HEARING: 2/5
REPORT: 2/6, BE CONCURRED IN
2ND READING: 2/9, DO PASS
3RD READING: 2/11, YEAS: 48; NAYS: 1

RETURNED TO HOUSE WITH AMENDMENTS: 2/11
2ND READING: 2/13 YEAS: 91; NAYS: 0

MINUTES OF THE MEETING OF THE HIGHWAYS AND TRANSPORTATION COMMITTE
JANUARY 22, 1981

The House Highways and Transportation Committee convened in Room 437 of the Capitol Building on Thursday, January 22, 1981, at 12:30 p.m. with CHAIRMAN PAUL KROPP presiding and fifteen members present (excused was REP. HEMSTAD).

CHAIRMAN KROPP turned the meeting over to VICE-CHAIRMAN MEYER. VICE-CHAIRMAN MEYER then opened the meeting to a hearing on HOUSE BILL 253.

HOUSE BILL 253 REP. PAUL KROPP, sponsor, presented the bill which would allow the operators of police and authorized emergency vehicles discretion in the use of audible or visual signals.

CAPTAIN WALT MILLER of the Montana Highway Patrol spoke as a proponent of the bill. His agency supports the bill because the law as written now doesn't give the operators of emergency vehicles the option of using or not using lights and/or sirens. They are presently required to use both audible and visual signals. With ambulances particularly the use of sirens can prove deterimental to the patient. The operators should have the option to use whatever they need.

LARRY MAJERUS of the Motor Vehicle Division also spoke as a proponent. The public objects to the use of the sirens when unnecessary i.e. at night. MR. MAJERUS felt this bill would not change the liability situation that might occur in an accident.

DREW DAWSON of the Emergency Medical Services Bureau spoke in support of this bill. In many cases, the patient should not be overly excited. This is especially true of heart attack patients. The lights really do not create a problem but the sirens do.

LLOYD LINDEN of Linden Ambulance Service, Helena, supported the bill also. He felt the patient care is primary to ambulance drivers and they must do what is best.

JOHN BAINES, a Registered Nurse, said, in support, that once the siren is turned on, the patient anxiety level goes up. It is deterimental to the patient. The speed can also be a problem.

There were no OPPONENTS.

During questions from the committee, REP. BRAND asked what this bill would do to insurance rates in a situation without sirens. MR. MAJERUS replied that they do not expect a raise in accident rates. It is still the responsibility of the ambulance to use the siren if necessary. They are relieved of the liability.

REP. KANDUCH asked if blue lights were involved in this. CAPTAIN MILLER said no, only police vehicles use blue lights.

REP. FABREGA asked what training an ambulance driver needs. MR. DAWSON explained the training procedures, part of which is driver training of an ambulance. Also stated that probably only 10 to 15% of cases with patients need sirens.

REP. KROPP closed on the bill by saying it is a bill to help save lives and to protect the patient.

VICE-CHAIRMAN MEYER then opened to a hearing on HOUSE BILL 254.

HOUSE BILL 254 REP. PAUL KROPP, sponsor, presented this bill which is written to clarify the actions to be taken to remove an unattended vehicle from a roadway.

CAPTAIN WALT MILLER of the Montana Highway Patrol spoke as a proponent of this bill stating that it would enable the Highway Patrol to remove a vehicle from the highway that is causing a problem. There is currently a law covering abandonment using a 48-hour time period. This new law would give the Patrol the authority to get a vehicle that is obstructing traffic off of the road without waiting 48 hours. With HB 254, the Patrol could have a wrecker, if necessary, move the vehicle to a place of safety.

There were no OPPONENTS.

Under questions from the committee, REP. FABREGA asked what the law reads now. CAPTAIN MILLER explained that the law says the owner must be notified within 72 hours if the vehicle has been abandoned. After 30 days it may be sold. REP. FABREGA then asked if HB 254 would permit the Patrol to remove the vehicle if it constituted a hazard. The answer was yes.

REP. STOBIE questioned what a hazard constitutes. REP. METCALF asked what would be considered obstructing traffic. CAPTAIN MILLER said it would be a judgement decision on the part of the Highway Patrolman. If it is in the interest of safety, the vehicle must be removed. REP. FABREGA asked if a citizen could prove that it was not a hazard. CAPTAIN MILLER replied that the burden of proof would be on the officer.

REP. WALLIN asked if the Patrol has problems getting wrecker service for this type of call. CAPTAIN MILLER said yes because the wrecker owner stands a chance of not getting his fee. The vehicle must be towed to wherever there is a facility to store safely.

REP. STOBIE asked what constitutes a legally parked vehicle. CAPTAIN MILLER said if the vehicle is not obstructing traffic,

it is not a problem.

REP. KROPP closed the bill saying it is designed for the protection of the travelling public and that it should be passed.

VICE-CHAIRMAN MEYER opened to a hearing on HOUSE BILL 255.

HOUSE BILL 255 REP. PAUL KROPP, sponsor, presented this bill which provides for an increased turn signaling distance outside business, residential, or urban districts.

CAPTAIN WALT MILLER of the Montana Highway Patrol spoke as a proponent of HB 255. He said the current law provides for a 100-foot continuous signal before turning. The same law applies on the highway. He feels too short a signal can cause a problem. At 55 mph at car travels 82 feet a second. At the same speed, the stopping distance is about 200 feet. He would like to see the distance changed to 500 feet to give more warning.

There were no OPPONENTS.

Under questions from the committee, REP. FABREGA asked if it was necessary to change the law in order to put this in the driver's manual. CAPTAIN MILLER said yes. Also said the Patrol would give the law plenty of publicity before starting to enforce it.

REP. BRAND asked if the 500 feet conforms to laws of other states. CAPTAIN MILLER said he did not know.

REP. KROPP closed on the bill saying this bill addresses avoiding accidents.

EXECUTIVE SESSION HOUSE BILL 253 REP. STOBIE moved that HB 253 receive a DO PASS. Seconded by REP. ZABROCKI and PASSED UNANIMOUSLY

HOUSE BILL 254 REP. FABREGA moved the committee adopt an amendment which would change line 23 on page 1 to read "serious" obstruction. Seconded by REP. WALLIN. Discussion included what would have to be included as serious. REP. ZABROCKI said 48-hours should be included. GREG PETESCH, staff attorney, replied that the law already reads 48-hours.

Question called on the amendment. MOTION TO AMEND FAILED.

REP. BRAND felt the Patrol hadn't proven there is a problem. Others felt there is a problem but simply that exact figures are not available. There was concern that towing would be done unnecessarily. REP. IVERSON felt the Patrol did not abuse their authority.

VISITORS' REGISTER

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

HB 253 Date 1/22/81

SPONSOR KROPP

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPO
Drew Dawson	Boulder, MT.	EMS Bureau Dept Health	X	
Lloyd Linden REMTA	Helena MT	Linden Ambulance	X	
John Bain R.N.	Helena	Linden EMC	X	
Larry Majerus	Helena	Motor Vehicle Div	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 5, 1981

The sixth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: Present: Senator Etchart, Hager, Hazelbaker, Elliott, Tveit, Manning, Graham, Healy. Excused: Senator Stimatz.

CONSIDERATION OF HOUSE BILL 253:

Representative Kropp, District 5, told the committee HB 253 is an act to allow the operators of police and authorized emergency vehicles discretion in the use of audible or visual signals and to eliminate duplication in the law regarding display of a red light, amending section 61-8-107, MCA.

He further stated this bill amends the section to give the operator of an emergency vehicle a choice of warning signals. The current language makes it mandatory for all emergency vehicles to use the siren. This has proved to be a difficulty for the operators of ambulances as the use of the siren in some cases can adversely affect a patient. The victim of a heart attack should not be further excited and worried by the sound of the siren blaring all the way to the hospital. The amendment simply allows that the operator may choose to operate either the siren or the lights as the conditions require.

He introduced Captain Walt Miller, Montana Highway Patrol, to the committee.

Captain Miller told the committee the Highway Patrol supports the bill for the same reasons that Representative Kropp gave them. As the law is now written they must have siren in operation. We do feel it is advisable to have the option to use either the siren or the lights.

Senator Etchart asked if there were any other proponents to HB253.

Art Korn, Montana State Volunteer Fireman's Association, told the committee they support HB253.

Senator Etchart asked if there were any more proponents to HB253.

R. A. Ellis, Montana State Volunteer Fireman's Association told the committee he supports the bill.

Senator Etchart asked if there were any more proponents to HB253. There were none.

Senator Etchart asked if there were any opponents to HB 253. There were none.

Senator Etchart asked if there were any questions from the committee.

Senator Manning asked Captain Miller if other states have this law, and what the history on the law is.

Captain Miller said that he is not sure if other states have this. He further stated he is not sure about the history and what policies other states have had.

Senator Manning told him he thought the bill makes a lot of sense, but was wondering if Montana would be the first State to have this law.

Captain Miller made the comment that the Highway Patrol is not always sure what the reaction of the public will be to the siren. The red light is a visible means of warning. Now, to meet the requirements of the law, we must be giving both visual and audio in pursuit. We use the siren as a warning and to get attention.

Senator Etchart asked if there were any further questions. There were none. Senator Etchart asked Representative Kropp if he would like to close.

Representative Kropp told the committee he is a member of the Phillips County Ambulance Board and at different times we have had problems with the doctors because of the blaring sirens coming into the hospital at all hours of the night. I urge you pass this bill.

The hearing on HB253 was closed.

CONSIDERATION OF HOUSE BILL NO. 255:

Representative Kropp, District 5, told the committee this is an act to provide for an increased turn signaling distance outside business, residential, or urban districts. This amendment of section 61-8-336 simply increases the distance which drivers are required to signal to 300 feet in rural areas. The need

The 1973 Legislature amended the present law to exempt vehicles with a gross weight of less than 24,000 pounds from the requirement to have the permit or a G.V.W. license. As a result, there are now relatively few permits issued and income is minimal.

Income from this permit prior to the change in 1973 ranged from $3,000 to $4,000 per year. Since 1973 the income has declined to a low of $712 (89 permits) in 1980. Estimated loss of revenue will be about $1,000 each year.

In view of the minimal income, the cost of administration and few enforcement problems as a result of the 1973 amendment, the Department is requesting that the provisions for this permit be repealed. The request has been discussed by the Department of Highways with the Department of Justice, Motor Vehicle Division, and they have no problem with this change.

Representatives of the Department are here for additional testimony or questions from the committee.

Senator Etchart asked if there were any other proponents to SB304.

Don Copley, Dept. of Highways, concurred in what Senator Hazelbaker had to say and said the department feels the permit is no longer necessary.

Senator Etchart asked if there were any opponents to SB304. There were none.

Senator Etchart asked if there were any questions from the committee. There were none.

The hearing on SB 304 was closed.

ACTION ON HOUSE BILL NO. 253:

Senator Tveit made the motion that HB253 Be Concurred In. All Senators present voting aye. The motion carried.

ACTION ON HOUSE BILL NO. 255:

Senator Healy made the motion that we cut the distance from 300 feet to 200 feet.

Senator Elliott made a substitute motion, that on line 22, after left, insert "other than when passing", and the same insert on Page 2, line 2.

Paul Verdon worked up the following amendment to HB 255:

Page 1, line 22.
Following: "left"
Insert: ",other than when passing,"

ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 2-5-81

NAME	PRESENT	ABSENT	EXCUSED
SENATOR MARK ETCHART	✓		
SENATOR TOM HAGER	✓		
SENATOR FRANK W. HAZELBAKER	✓		
SENATOR ROGER H. ELLIOTT	✓		
SENATOR LARRY J. TVEIT	✓		
SENATOR DAVE MANNING	✓		
SENATOR CARROLL GRAHAM	✓		
SENATOR JACK HEALY	✓		
SENATOR LAWRENCE G. STIMATZ			✓
VERDON - Legislative Council	✓		

Each day attach to minutes.

DATE 2-5-91

COMMITTEE ON Highways & Transportation

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
A. Ellis	Mt. St. Vol. Firemans Assn	HB 253	✓	
ART KORM	MT ST. VOL FIREMEN ASSOC.	HB 253	✓	
Don Copley	Dept. of Highways	SB 304	✓	

(Please leave prepared statement with Secretary)

HB 253

THIS BILL AMENDS SECTION 61-8-107 TO GIVE THE OPERATOR OF AN EMERGENCY VEHICLE A CHOICE OF WARNING SIGNALS. THE CURRENT LANGUAGE MAKES IT MANDATORY FOR ALL EMERGENCY VEHICLES TO USE THE SIREN. THIS HAS PROVED TO BE A DIFFICULTY FOR THE OPERATORS OF AMBULANCES AS THE USE OF THE SIREN IN SOME CASES CAN ADVERSELY AFFECT A PATIENT. THE VICTIM OF A HEART ATTACK SHOULD NOT BE FURTHER EXCITED AND WORRIED BY THE SOUND OF THE SIREN BLARING ALL THE WAY TO THE HOSPITAL. THE AMENDMENT SIMPLY ALLOWS THAT THE OPERATOR MAY CHOOSE TO OPERATE EITHER THE SIREN OR THE LIGHTS AS THE CONDITIONS REQUIRE.

CAPTAIN WALTER MILLER WILL TESTIFY

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2-5-81 HB Bill No. 253 Time

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

Carol Doyle Frasier
CAROL DOYLE FRASIER
Secretary

Mark Etchart
SENATOR MARK ETCHART
Chairman

Motion: Be Concurred In

(include enough information on motion--put with yellow copy of committee report.)

February 5 19 81

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 253

Kropp (Tveit)

Respectfully report as follows: That House Bill No. 253

We

BE CONCURRED IN
DO PASS

Senator Mark Etchart Chairman.

STATE PUB. CO.
Helena, Mont.